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Atty Docket No. 021989-000411US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner in Charge

Group Art Unit 1648

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER IN CHARGE**

CERTIFICATION OF FACSIMILE TRANSMISSION

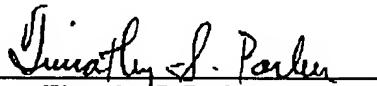
I hereby certify that the following documents in re Application of David S. Burt, et al., Application No. 10/771,737, filed February 3, 2004 for PROTEOSOME INFLUENZA VACCINE are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Form PTO/SB/21
2. Information Disclosure Statement
3. Forms PTO/SB/08A,B

Number of pages being transmitted, including this page: 7

Dated: July 22, 2005



Timothy S. Parker

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
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60544692 v1

PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

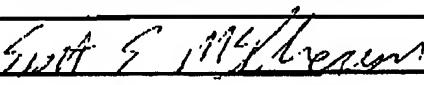
(to be used for all correspondence after initial filing)

		Application Number	10/771,737
		Filing Date	February 3, 2004
		First Named Inventor	Burt, David S.
		Art Unit	1648
		Examiner Name	
Total Number of Pages in This Submission	6	Attorney Docket Number	021989-000411US

ENCLOSURES (Check all that apply)

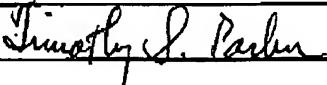
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Forms PTO/SB/08A,B
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Scott E. McPherson		
Date	July 22, 2005	Reg. No.	53,307

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
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By: Timothy S. Parker

PATENT
Attorney Docket No.: 021989-000411US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David S. Burl, et al.

Application No.: 10/771,737

Filed: February 3, 2004

For: PROTEOSOME INFLUENZA
VACCINE

Examiner:

Art Unit: 1648

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/788,280, filed February 15, 2001, now issued U.S. Patent No. 6,743,900 B2 (Attorney Docket No. 021989-000410US).

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

David S. Burt, et al.
Application No.: 10/771,737
Page 2

PATENT

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, because this submission is prior to the issuance of a first Office Action on the merits.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Scott E. McPherson
Reg. No. 53,307

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PTO/SB/08A (08-03)

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/771,737
				Filing Date	February 3, 2004
				First Named Inventor	Burt, David S.
				Art Unit	1648
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	021989-000411US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA	US-4,707,543		11/1987	Zollinger, et al.	
AB	US-5,728,292		03/1998	Lowell	
AC	US-5,716,837		02/1998	Anselem, et al.	
AD	US-5,961,970		10/1999	Lowell, et al.	
AE	US-5,985,284		11/1999	Lowell	
AF	US-6,476,201		11/2002	Lowell, et al.	
AG	US-				
AH	US-				
AI	US-				
AJ	US-				
AK	US-				
AL	US-				
AM	US-				
AN	US-				
AO	US-				
AP	US-				
AQ	US-				
AR	US-				
AS	US-				
AT	US-				

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ³ (if known)				
AU	PCT	WO97/10844		03/1997			<input type="checkbox"/>
AV	PCT	WO98/01558		01/1998			<input type="checkbox"/>
AW	PCT	WO95/11700		05/1995			<input type="checkbox"/>
AX							<input type="checkbox"/>
AY							<input type="checkbox"/>
AZ							<input type="checkbox"/>
BA							<input type="checkbox"/>
BB							<input type="checkbox"/>

Examiner Signature		Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 601.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Application Number</i>	10/771,737
				<i>Filing Date</i>	February 3, 2004
				<i>First Named Inventor</i>	Burt, David S.
				<i>Art Unit</i>	1648
				<i>Examiner Name</i>	
Sheet	2	of	3	<i>Attorney Docket Number</i>	021889-000411US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	BC	Barchfield, et al. <i>Vaccine</i> (1999) 17:695-704		
	BD	Benyedidja, et al. <i>Letters in Peptide Science</i> (1998) 5(5-6):341-344		
	BE	Berstad, et al. <i>Vaccine</i> (2000) 18:1810-1919		
	BF	Dalseg, R., et al. <i>Vaccines</i> (1999) 17:2336-2345		
	BG	Gluck, et al. <i>J. Infect. Dis.</i> (2000) 181:1129-1132		
	BH	Hashiguchi, et al. <i>Vaccine</i> (1998) 14:113-119		
	BI	Levi, R., et al. <i>Vaccine</i> (1995) 13:1353-1359		
	BJ	Lowell, G.H., et al. <i>J. Exp. Med.</i> (1998) 187:658-663		
	BK	Lowell, G.H., et al. <i>Science</i> (1988) 240:800-802		
	BL	Lowell, G.H., et al. in: <i>New Generation Vaccines</i> . 2nd ed.. Marcel Dekker, Inc. New York, Basil, Hong Kong (1997) pp.183-206		
	BM	Lynch, E.C., et al. <i>Biophys. J.</i> (1984) 45:104-107		
	BN	McGhee, et al. <i>J. Immunol.</i> (2000) 165:4778-4782		
	BO	Plante, et al. <i>Abstracts of the General Meeting of the American Society for Microbiology</i> . (2000) 100:297		
	BP	Slavik, et al. Database accession no. 13157769, XP002174983 (1998)		
	BQ	Slavik, et al. <i>Acta Virologica</i> (1993) 37(6):449-458		
	BR	Tamura, et al. <i>J. Immunol.</i> (1992) 149:881-888		

Examiner Signature		Date Considered
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PTO/SB/08B (08-03)

Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/771,737
				Filing Date	February 3, 2004
				First Named Inventor	Burt, David S.
				Art Unit	1648
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	021989-000411US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	BS	Lowell, G.H. in: <i>New Generation Vaccines</i> , G.C. Woodrow and M.M. Levine eds., Marcel Dekker, Inc., New York, (1990), p.141-160; 325-348		
	BT	Lowell, et al. <i>Journal of cell biochem</i> (1995) S19A		
	BU	Lowell, et al. <i>American Soc for microbio, 2nd Natl Conf.</i> (1995) p.81		
	BV	Lowell, et al. <i>Infec. & Imm</i> (1996) 64(5):1708-1713		
	BW	Lowell, et al. <i>Infec. & Imm</i> . (1996) 64(11):4686-93		
	BX	Lowell, et al. <i>Journal of Infectious diseases</i> (1997) 175(2):292-301		
	BY	Mallett, C.P., et al. <i>Infect. Immun.</i> (1995) 63:2382-2385		
	BZ	Orr, N., et al. <i>Infec Immun.</i> (1993) 61:2390		

Examiner Signature		Date Considered
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